

Rule R926-11. Rules for Permitting of Eligible Vehicles for a Clean Fuel Special Group License Plate On or After January 1, 2009.

R926-11-1. Purpose and Authority.

As authorized in Utah Code Ann. Section 41-6a-702 this establishes rules for regulating access to high occupancy vehicle lanes by vehicles with a clean fuel special group license plate regardless of the number of occupants.

Federal law authorizes states to allow the use of high occupancy vehicle (HOV) lanes by inherently low emission vehicles (ILEV) and low emission and energy-efficient vehicles with only a single occupant through September 30, 2009, unless federal authorization is extended. Federal law further requires a state to limit or discontinue the use of these single-occupant vehicles if the presence of the vehicles has degraded the operation of the HOV facility.

R926-11-2. Definitions.

- (1) "Hybrid" means a Low Emission and Energy Efficient vehicle as defined by the United States Environmental Protection Agency as authorized in 23 United States Code 166;
- (2) "ILEV" means an Inherently Low Emission Vehicle as defined by the United States Environmental Protection Agency as authorized in 23 United States Code 166;
- (3) "C Plate" means a clean fuel special group license plate issued by the DMV as authorized in Utah Code;
- (4) "C Plate Permit" means a permit issued by the department to the owner of an eligible ILEV or Hybrid vehicle that enables the permit holder to obtain a C plate from the DMV;
- (5) "department" means the Utah Department of Transportation;
- (6) "DMV" means the Division of Motor Vehicles of the Utah Tax Commission;
- (7) "HOV" means a highway lane that has been designated for the use of high occupancy vehicles pursuant to Section 41-6a-702.

R926-11-3. Identification of Eligible C Plate Vehicles Prior to January 1, 2009.

- (a) Vehicle owners with vehicles registered with a C plate issued prior to January 1, 2009, and for which the vehicle meets the definition for an ILEV or Hybrid as defined in this rule may retain the C plate or transfer the plate to a newly purchased eligible ILEV or hybrid vehicle under the processes defined under this rule.
- (b) Vehicle owners with vehicles registered with a C plate issued prior to January 1, 2009, that do

not meet the definition of an eligible ILEV or Hybrid vehicle are no longer eligible to retain the C plate and must surrender the plate:

- (i) at the time of their next vehicle registration renewal, and;
 - (ii) upon receipt of a vehicle registration renewal received from the DMV containing notification that the vehicle is no longer eligible for a C plate.
 - (iii) As provided under Utah Code 41-1a-1211, a new plate will be issued by the DMV for the surrendered C plate at no charge.
- (c) Upon receipt of a list of registered vehicles, provided by the DMV, for which a C plate has been issued prior to January 1, 2009, the department will determine which vehicles meet the definition of an ILEV or Hybrid vehicle as provided in this rule. From that list, the department will advise the DMV which vehicles do not meet the definition of an eligible ILEV or Hybrid vehicle and, therefore, are no longer eligible for a C plate in order for the DMV to provide notification to vehicle owners as provided under subparagraph (b)(ii).
- (d) Vehicle owners for whom notification has been provided under subparagraph (b)(ii) may receive a C Plate Permit from the department if:
- (i) the vehicle owner submits an application as provided under R926-11-5(c), and;
 - (ii) provides sufficient proof to the department that the vehicle meets eligibility requirements for an ILEV or Hybrid vehicle as provided under this rule.

R926-11-4. Permitting of Eligible Vehicles after January 1, 2009.

- (a) Owners of an eligible ILEV and Hybrid vehicle shall qualify for C plate upon application and receipt of a C Plate Permit from the department under permitting processes defined under this rule.
- (b) The DMV shall issue a C Plate to the holder of a valid C Plate Permit issued by the department to the eligible vehicle being registered for a Clean Fuel Special Group License Plate.
- (c) To transfer a C plate from one eligible vehicle to a new eligible vehicle, the vehicle owner of a vehicle registered with a Valid C plate must obtain a C Plate Permit from the department before the DMV will transfer the C plate to the new eligible vehicle being registered.
- (d) The department shall maintain and publish a listing online of all ILEV and Hybrid vehicle makes and models eligible for a C Plate Permit.

R926-11-5. Issuance of C Plate Permits.

- (a) The department may restrict use of the HOV facility by single-occupant C plate vehicles if the

operation of the facility is degraded. For the purposes of this rule, an HOV facility may be considered degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed of 45 miles per hour 90 percent of the time over a consecutive 180-day period during morning or evening weekday peak hour periods (or both).

(b) Not more frequently than once a year, the department may evaluate the operation of the HOV facility and determine whether the facility will continue to operate at an acceptable level of service. Based on that evaluation and if the department determines that additional single-occupant vehicles with a C plate may operate in the HOV lane without compromising operation of the facility, the department shall issue the appropriate number of C Plate Permits to eligible applicants as set forth under subparagraph (d).

(c) Vehicle owners with an eligible ILEV or Hybrid vehicle as defined by this rule must submit an application to the department for a C Plate Permit. The application, approved and issued by the department, shall contain the vehicle owner's name, the license plate number, the vehicle identification number, and the ILEV or Hybrid vehicle make and year model as a condition for obtaining a C Plate Permit.

(d) If more applications for a C Plate Permit are received than the total number of permits the department determines will be issued at any one time, C Plate Permits will be issued to randomly chosen applicants up to the number of permits that will be allowed based on the evaluation conducted under subparagraph (b).

(e) Vehicle owners with a C plate issued after January 1, 2009, may transfer the plate to a newly purchased eligible ILEV or Hybrid vehicle under the processes established under this rule.